

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NOSHERWAN KHAN RAJA,

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Plaintiff,
vs.

Case No.: 2:19-cv-00757-GMN-EJY

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

ORDER

Defendant.

Pending before the Court is the Report and Recommendation of the Honorable United States Magistrate Judge Elayna J. Youshah, (ECF No. 11), which states that Plaintiff Noshwan Khan Raja’s (“Plaintiff”) Amended Complaint, (ECF No. 10), should be dismissed without prejudice with leave to amend. Further, the Report and Recommendation states that Plaintiff should be given 30 days to file a second amended complaint. (R. & R. at 2, ECF No. 11).

16 A party may file specific written objections to the findings and recommendations of a
17 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);
18 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo
19 determination of those portions to which objections are made. *Id.* The Court may accept, reject,
20 or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.
21 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is
22 not required to conduct “any review at all . . . of any issue that is not the subject of an
23 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized
24 that a district court is not required to review a magistrate judge’s report and recommendation
25 where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114,

1 1122 (9th Cir. 2003).

2 Here, no objections were filed, and the deadline to do so has passed.

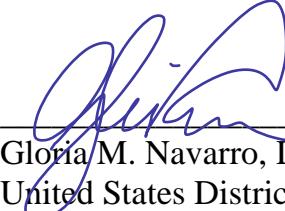
3 Accordingly,

4 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 11), is
5 **ACCEPTED and ADOPTED in full.**

6 **IT IS FURTHER ORDERED** that Plaintiff's Amended Complaint, (ECF No. 10), is
7 **DISMISSED without prejudice with leave to amend.**

8 **IT IS FURTHER ORDERED** that Plaintiff has thirty (30) days from the date of this
9 Order to file a second amended complaint correcting the deficiency identified in the Report and
10 Recommendation, with the following admonishment: Plaintiff is advised that if he files a
11 second amended complaint, the Amended Complaint, (ECF No. 10), no longer serves any
12 function in this case. As such, the second amended complaint must be complete in and of itself
13 without reference to prior pleadings or other documents. The Court cannot refer to a prior
14 pleading or other documents to make Plaintiff's second amended complaint complete. Failure
15 to comply with this Order shall result in a recommendation from Judge Youchah that this case
16 be dismissed.

17 **DATED** this 28 day of September, 2020.

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Gloria M. Navarro, District Judge
United States District Court

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